

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

KAY BEER DISTRIBUTING, INC.,

Plaintiff,

v.

Case No. 07-C-1068

ENERGY BRANDS, INC.,

Defendant.

AMENDED ORDER REGARDING SEALED DOCUMENTS

The Court previously entered an Order [192] unsealing all but two documents that had been filed under seal in this case. The Order noted that defendant Energy Brands had requested that Exhibit D to Docket # 48, which is a confidential March 1, 2005 agreement between Energy Brands and Dr. Pepper-7UP Bottling Group (bates number CS000001-18), and Docket # 136, a declaration by Attorney John P. Christiansen that attaches a table showing the terms and settlement amounts paid to Energy Brands' distributors around the country, remain under seal. The Court found that good cause existed to keep both documents under seal, and ordered that the remainder of the file be unsealed.

It has come to the Court's attention that the confidential March 1, 2005 agreement between Energy Brands and Dr. Pepper-7UP Bottling Group was also filed under seal at Docket # 61. This document will also remain under seal, though the attachments to Docket # 61 will be unsealed. Further, only part of Exhibit D to Docket # 48, specifically Deposition Exhibit 4 from the deposition

of Michael Perez, contains the confidential agreement, so the rest of Exhibit D to Docket # 48 shall be unsealed.

Accordingly, **IT IS HEREBY ORDERED** that the confidential agreement filed as part of Exhibit D to Docket # 48 and as Docket # 61, along with the declaration and attached table at Docket # 136, shall remain sealed. The balance of the file in this matter shall be unsealed and available for public inspection.

Dated this 2nd day of December, 2009.

s/ William C. Griesbach
William C. Griesbach
United States District Judge